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ABSTRACT

This paper argues that the "Ivory Tower" stereotype of higher education no longer exists and that this is not only due to increased regulation, litigation, and unionization, but also to greater diversity, both ethnically and racially, within student bodies, faculty, and staff. It states that colleges and universities no longer operate under the principle "in loco parentis", under which colleges and their administrators act in the place of parents for students, making decisions as they see fit. Also discussed are reductions in institutional autonomy due to the charter granting and accreditation powers of states; the issue of tax exemption status; and court litigation regarding such matters as grading, admission into professional schools, tenure for professors, employment, and sexual and racial discrimination or harassment. Despite the premise that the Ivory Tower may by gone, there are still good reasons for colleges and universities to operate, in the intellectual sense, at arms length from society. Among these reasons is the argument that institutions of higher education must have the unobstructed freedom to seek truth and instruct students in an independent, dispassionate manner. (GLR)

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# THE END OF THE IVORY TOWER; STUDENTS, ADMINISTRATION AND COMMUNITY

The Ivory Tower, the isolated or insulated university, no longer exists. Of course, there are some who still feel that colleges are remote, self-contained, that they emphasize the theoretical rather than the practical, that they run their own affairs without any interference, and that they have little direct impact on society, or on the communities in which they are located unless the students make too much noise!

Those generalizations have never been totally true, and are completely untrue today. If you look at efforts like Campus Compact, the Pennsylvania Service Corps, the developing new National Service Program, and tutorial programs staffed by students across the country, you find examples of activities outside of the campus which will expand and proliferate in the twenty-first century.

Even in the earliest colleges in our history, the emphasis was on training ministers who certainly had an impact far from the college. And with the passage of the Morrill or Land-Grant College Act in 1862, one of the most innovative periods in the history of American higher education took place. In the following fifty years many of the great state universities including the University of Illinois, Michigan State University, Penn State and Ohio State, were created, with the College of

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Agriculture and its extension service to the broad community as its large innovation.

At the same time the seeds were sewn for large urban campuses, founded to serve the special needs of the emerging middle class of urban immigrants. Institutions like New York University, Boston University, City College of New York, Temple University, and a host of other schools, all aimed to bring higher education and the community closer together.

When I look at my own institution, a large urban university, I see a staggering array of activities directly relating to urban problems. These include education of the disadvantaged and handicapped; day care and pre-school programs; better legal services to the poor; assistance to major corporations and minority businesses; police training, and improved criminal justice education; human and social services for the entire metropolitan region, and major contributions to the area's cultural life. And our students and alumni, as well as faculty, are involved in all of these activities.

Twenty years ago, in a paper delivered at a special conference of the American Council on Education I argued that the best education must prepare students for full participation in the larger society, and that the best teaching and research relates scholarship and undergraduate education to the needs of the country. A similar argument was made many years earlier by the historian, Oscar Handlin, who stated, "Our troubled planet can no longer afford the luxury of pursuits confined to an ivory

tower. Scholarship has to prove its worth, not on its own terms, but by service to the nation and the world."[1]

Thirty-one years ago, in the spring of 1963, I was asked to address a conference on "The University and the Community" under the auspices of the Association of Urban Universities. Not a single predominantly black institution other than my own was represented at that conference, and there were no black representatives from predominantly white institutions. At that time the majority of the black enrollment in colleges and universities, which totalled between 150 and 200 thousand, was in the black institutions of the South, with very small percentages of black enrollments in the urban institutions of the North even though the population of the northern cities was heavily black.

At the same time The New York Times surveyed the job ranks of higher education and found that Harvard had no blacks in permanent tenure ranks, Columbia had no black full professors, and Yale had none at all in the professorial ranks. The appointment, in 1963, of the distinguished black historian John Hope Franklin to a professorship at the University of Chicago was headline news. His appointment seven years earlier as Chairman of the History Department at Brooklyn College was front page news in The New York Times.

In that fairly recent period of our history, two small institutions in Pennsylvania, Lincoln University and Cheyney University, together enrolled more black students than all of the

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1 Quoted by Ernest L. Boyer, "Creating the New American College," The Chronicle of Higher Education, March 9, 1994, p. A 48

rest of the institutions of higher education in Pennsylvania put together. That situation has changed substantially in the past twenty years, and the enrollment of minority students including blacks has increased tremendously. Also, there has been a material increase in the employment of black administrative and professorial staff. Today, at any national conference of college and university personnel, including this one, you will see black professors and administrators in key posts, serving on boards, and actively participating in the programs. For example, Robert Albright, who was a student at Lincoln University in the 1960's, and later became President of Johnson C. Smith University, recently served as Chairman of the American Council on Education. Frederick Humphries, the President of Florida A&M University, is currently Chairman of the National Association of State Universities and Land Grant Colleges. AAHE has been a pacesetter among the national education associations in stressing inclusiveness in its membership and leadership.

It is widely recognized now, that for a college or university to be involved in the larger society, its student body, its faculty and its staff must represent the diverse ethnic and racial groups of our country. In fact, in the studies which the demographer, Harold Hodgkinson has done, it is clear that the growth areas for student enrollment in the future will be in the minority population of the country, particularly in states like California, Florida, New York and Texas.

Let me remind you of several additional examples of the shattering of the ivory tower.

On February 1, 1960, four students from the Negro Agricultural and Technical College, (now called North Carolina Agricultural and Technical College) at Greensboro, N.C. entered a variety store, made several purchases, sat down at the lunch counter and ordered coffee. They were refused service because they were black and they remained in their seats until the store closed. This was the beginning of the sit-in movement, the second phase of the civil rights revolution, which spread rapidly through the south and into some places in the north. In the spring and summer of 1960, thousands of young people, white and black, participated in similar peaceful forms of protest against segregation and discrimination. Many were arrested for trespassing, disorderly conduct and disobeying police officers.

Southern journalists labeled the sit-ins "The South's New Time Bomb". When students were criticized for their actions, they placed a full-page advertisement in The Atlanta Constitution newspaper in which they said, "We do not intend to wait placidly for those rights which are legally and morally ours to be meted out to us one at a time". African-American students and their white colleagues were on the march to secure their rights.

Hundreds of lunch counters across the south began to serve blacks, and other facilities began to open up. When their efforts were not successful, they boycotted white businesses or engaged in "selected purchasing". This was when many students joined SNCC (Student Non-Violent Coordinating Committee) and CORE (Congress of Racial Equality), and worked in the south to get black voters to register to vote. Some of them were harassed, some were imprisoned, and some of these young workers were

killed. The best known were Mickey Schwerner, Jim Chaney, and Andy Goodman, two white and one black young men who were killed near Philadelphia, Mississippi in June, 1964. So much for students and the ivory tower!

The famous March on Washington in August, 1963, in which thousands of students participated, led to the enactment of new civil rights acts, voting right acts, and other important legislation protecting the rights of all individuals in this country. Having been President of Lincoln University, the oldest black college in the country, and led several bus loads of students and faculty to Washington, I remember those events very well. The impact of students on the civil rights movement cannot be over-estimated.

While the civil rights revolution was going on, so was the Vietnam War. It was students and faculty who got behind the anti-war movement, and who supported the presidential aspirations of Eugene McCarthy to such an extent that after Lyndon Johnson saw the results in New Hampshire, where McCArthy almost won, he decided not to run in 1968.

Much more could be said about the election of 1968, the activities of the SDS (Students for a Democratic Society) and changes in students attitudes over more recent years, when many students joined the neo-conservative movement in addition to those who continued to take more liberal positions. But let us look at some other aspects of the topic.

When I am asked what are the primary forces which have affected higher education from an administrative point of view over the last twenty years, my reply is: regulation, litigation,

and unionization. If one looks at those three developments, any notion that the cloistered, ivory tower, self-regulated, self-policed college or university still exists should be dissipated.

In loco parentis is dead. That principle, by which colleges and their administrators act as parents for students, operate as they see fit, and do what they feel best, has been modified substantially over the last thirty years, so that it really does not exist now.

In my own memory, a university case in the mid-1960's is representative of the decline of the in loco parentis principle. In that case a senior student married his long-time girlfriend, and was refused permission to graduate, because the institution had a regulation against students marrying. That rule was overthrown by a court decision, starting a trend of courts looking inside colleges and universities. Then, federal aid to education on a massive scale developed to aid institutions in dealing with the burgeoning student population; federal efforts included funding new dormitories and other campus facilities, providing both scholarship and loan assistance to students, and supporting a great deal of research and program activity on campuses across the country. Federal regulations followed financial assistance. The regulations included affirmative action, Title VII for Employees, Title IX for Students, and all kinds of directives that affect business and industry , but previously were not applicable to educational institutions (i.e., OSHA, ERISA, etc.).

The states, from the beginning, had the authority to grant charters and state accreditation for programs, degrees and the

like. State institutions have always been subject to some regulation by state government, particularly through the power of the purse.

In the case of cities and other municipalities, an issue has remained for many years in regard to tax exemption of educational institutions. There is always the question of who should pay for certain municipal services like those connected with the police and fire departments. In some large cities, universities voluntarily make payments in lieu of taxes for those services. In other cases, the universities pay taxes on property which is rented out or used for entrepreneurial functions. These are difficult questions. For example, again looking at my own institution, we spend well over eleven million dollars on our own campus police force. Since we are in the middle of the city, we are, in effect, doing work for the city.

Then, there is a licensing provision which has been enacted by the city to provide badly needed income. This is widely considered to be a "bed tax" for dormitories and other residence facilities. It also provides the possibility of the city determining proper facilities for students, and is another evidence that <u>in loco parentis</u> is not what it used to be! City and other municipal service taxes are being looked at across my state of Pennsylvania as localities are strapped for funds and look to the non-profit sector, including colleges, to help balance their budgets.

Litigation. There are many cases before the courts these days in regard to matters such as grading, admission into professional schools, tenure for professors, employment, and

sexual and racial discrimination or harassment. I can give many examples from my own experience. As president of a small college in the 1960's, I was involved in only two court cases in the entire decade. In the 1970's and 80's, at a larger institution, it appeared that we were involved almost every day with some kind of litigation, including court cases, arbitration, and the like.

In one case, a doctoral candidate in the field of education served as a teaching assistant. At the end of the semester, it became clear that he had enrolled himself in courses which he taught and had given himself A's. When the Chairman of his department realized what had happened he called the graduate student/teaching assistant into his office, verified the facts, and then set up a hearing for the student with the appropriate departmental committee. The student was dismissed from the doctoral program and from his teaching position. He took the case to court, and won a reprieve, on the basis that adequate due process had not been provided. Ultimately the University decided not to fight the case, because the monetary compensation was minimal, and the guess was that the student would not return to the department to complete his doctorate. When I've related this story to others, they could not believe it; neither could I at the beginning of the process; in fact, it is still hard for me to believe that the court made such a decision.

The second case involved a student suing the psychology department and the President of the University because she was not admitted into the Ph.D. program in clinical psychology. The professional accrediting agency approved only a certain number

for that program and the student did not have the grades and experience of those admitted.

A third case involved a law school student who flunked out of the Law School twice, but was given permission to re-enter because of extenuating circumstances. When he was dismissed for the third time, the Law School faculty was proved to be correct because he sued the University from the wrong jurisdiction and the case was thrown out of court; obviously he had learned very little in his three stints in the Law School!

Almost every issue of The Chronicle of Higher Education and many issues of The New York Times, contain reports of court cases involving higher education. A very significant desegregation ruling by the Federal Appeals Court in Alabama was explained very well in the March 9, 1994 issue of The Chronicle. The Alabama case follows Supreme Court desegregation rulings in the Mississippi case in 1992.

As stated in The Chronicle's summary, the Appeals Court ordered a new trial to determine whether Alabama's predominantly white universities discriminated against blacks "by offering little material on black thought, culture and history." The Court said that the institutions could be ordered to reform their curricula, "despite the traditional reluctance of courts to deal with such matters." Secondly, the Court ordered a trial "on whether a major portion of the land-grant program, now situated at Auburn University, should be shifted to Alabama A&M University, a historically black institution," on the basis that the distribution of "land-grant responsibilities and money is directly related to " previous de jure segregation.

Obviously, this case will have broad ramifications throughout the South, and perhaps elsewhere. All of these different types of cases indicate the power of external forces and developments over the administration and operation of all aspects of college programs and activities.

Unionization. In the not too distant past, unions were unheard of on college campuses. They are still not present on many small campuses. There have been some positive aspects of unionization, but there are also negative implications. Students are often caught in the middle between employees, including professors with whom they work, and the administration of the college.

I have always said that higher education could adjust to unionization, and it has. But I must say that I personally had some trying moments when tires were slashed or computer installations sabotaged, even when collective bargaining sessions were going on! We deal with fourteen separate unions in my institution, and you might understand the amount of time and staff required in that regard.

Faculty unionization has been widely accepted in many state institutions and community colleges across the country, although the movement to unionize independent college faculty has lost some of its momentum. In the heat of negotiations, there may not be much difference between a steel worker's union and a faculty union. I can remember a hearing examiner in Pennsylvania who could not understand the role of a department chairman and was convinced that the chairman of a department of over 100 faculty was not an administrator, since he denied having any functions

more important than buying paper clips, even though he taught few, if any, students. In the process of unionization it is difficult to listen to an eminent scholar speaking on the floor of the Faculty Senate and making statements known to be untrue, affected by the emotion of bargaining on dollar and cents issues.

I have been referring largely to the administrative effects of unionization, litigation and regulation, but have also indicated that students and faculty are very much affected. Those outside of the college are impacted as well; the delivery of food may be involved; picket lines may prevent those doing business with the college from entering the campus and may prevent students from attending classes. The main point to remember is that all of these developments indicate that the ivory tower no longer exists.

## CONCLUSION

Despite the evidence presented that external forces have influenced the Academy and that colleges and universities have been obliged to respond to changes in society; and despite my argument that <u>in loco parentis</u> is dead and the ivory tower no longer exists, there are good reasons for the college to operate at arms length from society in the intellectual sense. After all, it is the function of the university to look objectively at where the society has come from and where it is going. Its role is to be constructively critical, to seek truth where ever its students and faculty find it, no matter how unpleasant the findings may be. Colleges and universities must retain an optimal level of autonomy, in order to do their teaching and research in an independent, dispassionate manner.

At the same time, the college is part of the community, and depends upon it for services and for funding; also the college contributes many services through its academic and public activities programs. In particular, higher education institutions will continue to need resources to do everything expected of them. Hopefully, our institutions will continue to provide education and training, which will be the basis for an effective democracy and a successful economy; if we do, we will deserve such support.

Our faculties and our institutions represent some of the finest intellect and technical expertise available anywhere. Even today, after the many changes which have occurred in recent decades, the expertise is not used as effectively as it might be within the academic institutions nor in the communities outside. As we move into the twenty-first century, it is reasonable to project a closer relationship between academia and our society generally. There are limits to what colleges can do. It is certain, however, that we can do more than we have done, that we can help solve some of the human and leadership, as well as technical, problems confronting our society. My thesis, again, is that we must constantly become more involved while retaining an optimum level of separateness from the society in which we are located. We must do this because it is consistent with sound educational aims, because it is right, and because it is necessary for the survival of higher education, as well as for the productive development of our nation.